



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
Public Information Office
(415) 865-7740

Lynn Holton, Public Information Officer

Release Date: February 18, 2003

Release Number: S.C. 08/03

SUMMARY OF CASES ACCEPTED DURING THE WEEK OF FEBRUARY 10, 2003

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#03-23 In re Roberts, S112505. (B161777; 104 Cal.App.4th 151.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. The court limited review to the following issue: Should habeas petitions challenging decisions of the Board of Prison Terms to deny a parole date be filed in the superior court and appellate district for the county in which the petitioner was sentenced or the county in which the petitioner is incarcerated?

#03-24 People v. Garcia, S112688. (F039327; 103 Cal.App.4th 1228; Kings County Superior Court; 01CM2606.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Canty, S109537 (#02-167), which presents the following issue: Was defendant entitled to have the disposition of her conviction for transportation of a controlled substance set in accordance with the provisions of the Substance Abuse and Crime Prevention Act of 2000 (Prop. 36, General Elec. (Nov. 7, 2000)), or was that enactment inapplicable because defendant was also convicted of misdemeanor driving under the influence of a controlled substance? (See Pen. Code § 1210.1, subd. (b)(2).

(over)

DISPOSITIONS

#00-135 People v. Sousa, S090886, was dismissed and remanded to the Court of Appeal.

#02-193 In re Morrall, S111164, was dismissed and remanded to the Court of Appeal. The opinion of the Court of Appeal, originally printed at 102 Cal.App.4th 280 and modified at 102 Cal.App.4th 1061a, was ordered republished.

The following cases were transferred to the Court of Appeal for reconsideration in light of In re Rosenkrantz (2002) 29 Cal.4th 616:

#02-67 In re Smith, S105520.

#02-125 In re Kunkler, S108264.

#